

SOLICITATION/CONTRACT/ORDER FOR COMMERCIAL ITEMS <i>OFFEROR TO COMPLETE BLOCKS 12, 17, 23, 24, AND 30</i>				1. REQUISITION NUMBER W68MD9-4215-8331		PAGE 1 OF 17	
2. CONTRACT NO. W912DW-04-P-0378		3. AWARD/EFFECTIVE DATE 07-Sep-2004		4. ORDER NUMBER		5. SOLICITATION NUMBER W912DW-04-Q-0154	
7. FOR SOLICITATION INFORMATION CALL:		a. NAME SUSAN M VALENZUELA			b. TELEPHONE NUMBER (No Collect Calls) 206-764-6691		6. SOLICITATION ISSUE DATE 18-Aug-2004
9. ISSUED BY CODE W912DW USA ENGINEER DISTRICT, SEATTLE ATTN: CENWS-CT 4735 EAST MARGINAL WAY SOUTH SEATTLE WA 98134-2329 TEL: 206-764-3772 FAX: 206-764-6817		10. THIS ACQUISITION IS <input checked="" type="checkbox"/> UNRESTRICTED <input type="checkbox"/> SET ASIDE: % FOR <input type="checkbox"/> SMALL BUSINESS <input type="checkbox"/> HUBZONE SMALL BUSINESS <input type="checkbox"/> 8(A) NAICS: 334220 SIZE STANDARD: 750		11. DELIVERY FOR FOB DESTINATION UNLESS BLOCK IS MARKED <input type="checkbox"/> SEE SCHEDULE		12. DISCOUNT TERMS NET 30 DAYS	
				13b. RATING		14. METHOD OF SOLICITATION <input checked="" type="checkbox"/> RFQ <input type="checkbox"/> IFB <input type="checkbox"/> RFP	
				15. DELIVER TO CODE SEE SCHEDULE		16. ADMINISTERED BY USA ENGINEER DISTRICT, SEATTLE SUSAN VALENZUELA PH:206-764-6691 FAX: 206-764-6817 SUSAN.M.VALENZUELA@US.ARMY.MIL SEATTLE WA	
17a. CONTRACTOR/OFFEROR CODE 079D1 CONDOR EARTH TECHNOLOGIES INC DAVID RUTLEDGE 21663 BRIAN LN STE A SONORA CA 95370-3905 TEL. (209) 532-0361 FACILITY CODE 079D1		18a. PAYMENT WILL BE MADE BY CODE W66KQZ US ARMY CORPS OF ENGRS FINANCE CENTER CEFC-AO-P 901-874-8556 5722 INTEGRITY DRIVE MILLINGTON TN 38054-5005					
<input type="checkbox"/> 17b. CHECK IF REMITTANCE IS DIFFERENT AND PUT SUCH ADDRESS IN OFFER		18b. SUBMIT INVOICES TO ADDRESS SHOWN IN BLOCK 18a. UNLESS BLOCK BELOW IS CHECKED <input type="checkbox"/> SEE ADDENDUM					
19. ITEM NO.	20. SCHEDULE OF SUPPLIES/ SERVICES			21. QUANTITY	22. UNIT	23. UNIT PRICE	24. AMOUNT
SEE SCHEDULE							
25. ACCOUNTING AND APPROPRIATION DATA See Schedule						26. TOTAL AWARD AMOUNT (For Govt. Use Only) \$139,333.00	
<input type="checkbox"/> 27a. SOLICITATION INCORPORATES BY REFERENCE FAR 52.212-1. 52.212-4. FAR 52.212-3. 52.212-5 ARE ATTACHED. ADDENDA <input type="checkbox"/> ARE <input type="checkbox"/> ARE NOT ATTACHED <input checked="" type="checkbox"/> 27b. CONTRACT/PURCHASE ORDER INCORPORATES BY REFERENCE FAR 52.212-4. FAR 52.212-5 IS ATTACHED. ADDENDA <input checked="" type="checkbox"/> ARE <input type="checkbox"/> ARE NOT ATTACHED							
28. CONTRACTOR IS REQUIRED TO SIGN THIS DOCUMENT AND RETURN COPIES <input type="checkbox"/> TO ISSUING OFFICE. CONTRACTOR AGREES TO FURNISH AND DELIVER ALL ITEMS SET FORTH OR OTHERWISE IDENTIFIED ABOVE AND ON ANY ADDITIONAL SHEETS SUBJECT TO THE TERMS AND CONDITIONS SPECIFIED HEREIN.				29. AWARD OF CONTRACT: REFERENCE <input type="checkbox"/> OFFER DATED . YOUR OFFER ON SOLICITATION (BLOCK 5), INCLUDING ANY ADDITIONS OR CHANGES WHICH ARE SET FORTH HEREIN, IS ACCEPTED AS TO ITEMS:			
30a. SIGNATURE OF OFFEROR/CONTRACTOR				31a. UNITED STATES OF AMERICA (SIGNATURE OF CONTRACTING OFFICER)		31c. DATE SIGNED	
				<i>Elaine M Ebert</i>		08-Sep-2004	
30b. NAME AND TITLE OF SIGNER (TYPE OR PRINT)		30c. DATE SIGNED		31b. NAME OF CONTRACTING OFFICER (TYPE OR PRINT) ELAINE M EBERT / CONTRACTING OFFICER TEL: (206) 764-3638 EMAIL: elaine.m.ebert@usace.army.mil			

**SOLICITATION/CONTRACT/ORDER FOR COMMERCIAL ITEMS
(CONTINUED)**

PAGE 2 OF 17

19. ITEM NO.	20. SCHEDULE OF SUPPLIES/ SERVICES	21. QUANTITY	22. UNIT	23. UNIT PRICE	24. AMOUNT
	SEE SCHEDULE				

32a. QUANTITY IN COLUMN 21 HAS BEEN

☐ RECEIVED ☐ INSPECTED ☐ ACCEPTED, AND CONFORMS TO THE CONTRACT, EXCEPT AS NOTED: _____

32b. SIGNATURE OF AUTHORIZED GOVERNMENT REPRESENTATIVE		32c. DATE	32d. PRINTED NAME AND TITLE OF AUTHORIZED GOVERNMENT REPRESENTATIVE
32e. MAILING ADDRESS OF AUTHORIZED GOVERNMENT REPRESENTATIVE		32f. TELEPHONE NUMBER OF AUTHORIZED GOVERNMENT REPRESENTATIVE	
		32g. E-MAIL OF AUTHORIZED GOVERNMENT REPRESENTATIVE	

33. SHIP NUMBER	34. VOUCHER NUMBER	35. AMOUNT VERIFIED CORRECT FOR	36. PAYMENT <input type="checkbox"/> COMPLETE <input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL	37. CHECK NUMBER
<input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL				

38. S/R ACCOUNT NUMBER	39. S/R VOUCHER NUMBER	40. PAID BY

41a. I CERTIFY THIS ACCOUNT IS CORRECT AND PROPER FOR PAYMENT		42a. RECEIVED BY <i>(Print)</i>	
41b. SIGNATURE AND TITLE OF CERTIFYING OFFICER		41c. DATE	
		42b. RECEIVED AT <i>(Location)</i>	
		42c. DATE REC'D <i>(YY/MM/DD)</i>	42d. TOTAL CONTAINERS

Section SF 1449 - CONTINUATION SHEET

NOTES

DELIVERY TO BE NO LATER THAN 30 SEPTEMBER 2004

Web Invoicing System (WInS)

WInS is an optional online invoicing system providing Department of Defense vendors an electronic means of submitting invoices for payment. Vendor registration for WinS is accomplished through the following DFAS website: <https://ecweb.dfas.mil>. At the website click on NEW Account to register and select "USACE" as the payment system name. The payment office code and location is "TO-UFC Millington". To establish an account in WInS, vendors must be registered with the Central Contractor Registration (CCR).

All invoices are to be submitted in accordance with the instructions above, or mailed to:

US ARMY CORPS OF ENGRS FINANCE CENTER
CEFC-AO-P 901-874-8556
5722 INTEGRITY DRIVE
MILLINGTON TN 38054-5005

A copy of all invoices are to be mailed to:

US ARMY CORPS OF ENGINEERS, SEATTLE DISTRICT
Attn: CENWS-PM-CP, Li-Shine Lin
P.O. Box 3755
Seattle, WA. 98124-3755

CF: CONTRACTOR:
CENWS-EC-TB-GE, Steven Meyerholtz
CENWS- PM-CP, Li-Shine Lin
CENWS-OD-CJ, Sandy Harvey, Warehouse
CENWS-OD-CJ, Rodney Ralston
CENWS-OD-LI, Dave James, Warehouse
CENWS-OD-LI, Dean Mesenbrink
FILE

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0001	DUAL-FREQUENCY FIXED GPS REFERENCE FFP STATION EQUIPMENT TO INCLUDE: - Dual-frequency GPS received with antenna and cables - NEMA equipment enclosure - Solar power system - Stainless steel equipment & mounting hardware PURCHASE REQUEST NUMBER: W68MD9-4215-8331	1	Each	\$18,500.00	\$18,500.00
				NET AMT	\$18,500.00
				ACRN AA Funded Amount	\$18,500.00
FOB: Destination					

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0002	SINGLE-FREQUENCY FIXED GPS STATION FFP EQUIPMENT TO INCLUDE: - Single-frequency GPS receiver with antenna and cables - NEMA equipment enclosure - Digital Ethernet radio - Solar power system PURCHASE REQUEST NUMBER: W68MD9-4215-8331	6	Each	\$8,000.00	\$48,000.00
				NET AMT	\$48,000.00
				ACRN AA Funded Amount	\$48,000.00
FOB: Destination					

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0003	MASTER DIGITAL ETHERNET REDIO FFP AND ANTENNA, INCLUDING FIBER ADAPTERS	1	Each	\$2,950.00	\$2,950.00
	PURCHASE REQUEST NUMBER: W68MD9-4215-8331				
				NET AMT	\$2,950.00
	ACRN AA Funded Amount				\$2,950.00
FOB: Destination					

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0004	STEEL COMPUTER ENCLOSURE FFP (INTERNAL 19" ELECTRONIC RACK)	1	Each	\$1,500.00	\$1,500.00
	PURCHASE REQUEST NUMBER: W68MD9-4215-8331				
				NET AMT	\$1,500.00
	ACRN AA Funded Amount				\$1,500.00
FOB: Destination					

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0005	DELL PRECISION 470 3.0 GHZ W/1.0 GB FFP RAM, one 72 GB SCSI drive, DVD R/RW, Windows XP operating software.	1	Each	\$3,300.00	\$3,300.00
	PURCHASE REQUEST NUMBER: W68MD9-4215-8331				
				NET AMT	\$3,300.00
	ACRN AA Funded Amount				\$3,300.00
FOB: Destination					

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0006	16 PORT UNMANAGED ETHERNET SWITCH FFP PURCHASE REQUEST NUMBER: W68MD9-4215-8331	1	Each	\$100.00	\$100.00
NET AMT					\$100.00
ACRN AA Funded Amount					\$100.00
FOB: Destination					

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0007	APC RACK MOUNTED UPS (120 VOLT) FFP PURCHASE REQUEST NUMBER: W68MD9-4215-8331	1	Each	\$1,900.00	\$1,900.00
NET AMT					\$1,900.00
ACRN AA Funded Amount					\$1,900.00
FOB: Destination					

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0008		1	Each	\$34,000.00	\$34,000.00

EQUIPMENT PRE-CONFIGURATION & ON-SITE
FFP

FIELD WORK TO INCLUDE:

- Pre-configuration of solar power system, radio system, and GPS equipment
- Programming/Integration of master radio, processing computer, UPS, and interface with USACE LAN
- Full system test at contractor's site
- Fixed GPS starting coordinate determination
- 1 day of training
- Preparation of Fixed GPS report, including detailed analysis of accuracy of GPS data collected.
- Installation of island GPS receiver (SCIGN short-braced GPS monument)

PURCHASE REQUEST NUMBER: W68MD9-4215-8331

NET AMT	\$34,000.00
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ACRN AA Funded Amount	\$34,000.00
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FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0009		1	Lump Sum	\$900.00	\$900.00

SHIPPING
FFP

Line Items 0001 through 0007 are to be shipped to:
Chief Joseph Dam
Highway 17, Pearl Hill Road
Bridgeport, WA. 98813
PURCHASE REQUEST NUMBER: W68MD9-4215-8331

NET AMT	\$900.00
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ACRN AB Funded Amount	\$900.00
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FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0010		1	Lump Sum	\$5,233.00	\$5,233.00
	INSTALLATION RELATED EXPENSES				
	FFP				
	Not listed in line item 0008, Inclusive of all travel costs				
	PURCHASE REQUEST NUMBER: W68MD9-4215-8331				
				NET AMT	\$5,233.00
	ACRN AB Funded Amount				\$5,233.00
FOB: Destination					

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0011		1	Each	\$12,250.00	\$12,250.00
	SINGLE-FREQUENCY FIXED GPS STATION				
	FFP				
	EQUIPMENT AT LIBBY DAM TO INCLUDE:				
	- Single-frequency GPS receiver with antennas, cables, etc.				
	- Custom NEMA equipment enclosure				
	- Digital Ethernet radio				
	- Solar power system				
	PURCHASE REQUEST NUMBER: W68MD9-4215-8331				
				NET AMT	\$12,250.00
	ACRN AC Funded Amount				\$12,250.00
FOB: Destination					

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0012		1	Each	\$8,100.00	\$8,100.00
	EQUIPMENT PRE-CONFIGURATION FFP FOR LIBBY DAM TO INCLUDE:				
	- System configuration at Condor for installation at Libby Dam				
	- Pre-configuration of solar power system, radio system, and GPS equipment				
	- Programming/Integration of master radio, processing computer, UPS				
	- Fullk system test at Condor				
	- Fixed GPS starting coordinate determination				
	PURCHASE REQUEST NUMBER: W68MD9-4215-8331				
				NET AMT	\$8,100.00
	ACRN AC Funded Amount				\$8,100.00
FOB: Destination					

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0013		1	Each	\$2,400.00	\$2,400.00
	CONFIGURATION OF NEW GPS COMPUTER FFP FOR LIBBY DAM TO INCLUDE:				
	- 16-port Serial/Ethernet device server with 12 DB9 connector cables				
	- 16-port unmanaged Ethernet switch				
	- Pre-shipment configuration and testing				
	PURCHASE REQUEST NUMBER: W68MD9-4215-8331				
				NET AMT	\$2,400.00
	ACRN AC Funded Amount				\$2,400.00
FOB: Destination					

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0014	SHIPPING FFP Line Items 11 through 14 are to be shipped to: Libby Dam 17115 Highway 37 ibby, MT. 59923-9703 PURCHASE REQUEST NUMBER: W68MD9-4215-8331	1	Lump Sum	\$200.00	\$200.00
NET AMT					\$200.00
ACRN AD Funded Amount					\$200.00

FOB: Destination

SPECIFICATIONS

All Items listed are in accordance with the following specifications:

SPECIFICATIONS FOR REAL-TIME DAM MONITORING SYSTEM CHIEF JOSEPH DAM

General Description

This specification establishes the technical requirements and performance characteristics for the procurement of a real-time GPS monitoring system for dams. This real-time monitoring system must feature a 32-bit Windows software package that is capable of simultaneously computing sub-centimeter solutions for multiple GPS sensors located on the target structure. The real-time monitoring software must be able to simultaneously compute solutions for dual or single-frequency GPS sensors.

The real-time monitoring system software must use a triple-difference Kalman filter processing scheme to ensure robust performance. The software must use state-of-the-art non-integer fixing techniques to ensure long-term robust performance and immunity from position jumps associated with cycle-slips.

These 3-dimensional solutions that are output from the real-time monitoring software must be simultaneously displayed in an easy-to-understand graphical-user-interface.

The graphical-user-interface must be an integral component of the software and must consist of a series of maps, charts and numerical outputs that provide comprehensive information for each site being monitored.

In addition to the graphical-user-interface representation of the information, the software must provide the operator with the ability to define the following alarms for each site being monitored:

- North and South motion
- East and West motion
- Up and down motion
- Absolute displacement
- North and South rate of change
- East and West rate of change
- Up and down rate of change
- Absolute rate of change

All components of the real-time monitoring system must be state-of-the-art, and of current production. No demonstration, refurbished, prototype or discontinued models or software will be accepted. All other accessories, options, firmware, software not mentioned within these specifications - that are necessary for continuous operations and full functionality - must be supplied by the successful bidder. The successful bidder must have at least 10 years of GPS monitoring experience.

A successful bidder must meet and or exceed the minimum specifications and requirements as stated below.

Minimum Real-time Monitoring Software Specifications

1. The real-time processing software must run in a 32-bit environment on Windows 95, Windows NT Server, Windows NT Workstation, Windows 2000, or Windows XP.
2. The real-time processing software must take full advantage of Windows preemptive multitasking and multithreading capabilities.
3. The real-time processing software must have a user-configurable graphical Windows environment. The real-time processing software must have a variety of real-time information Windows that can be opened up in this environment and be sized and positioned as the user desires. These Windows must display essential information regarding the performance of the real-time system.
4. The corrected GPS positions must be displayed in a series of real-time graphs and charts that as a minimum shall include all of the following:

Real-time display of current horizontal and vertical displacement. A graphical display will provide east / west and north / south displacement in one map-style (plan view) graph along with a graphical display of vertical displacement. Numeric display of current motion components and average motion components will also be provided on the same chart. This map-style chart will also contain a graphical display of the user definable yellow and red displacement threshold alarms. The map-style chart must have a sophisticated user-definable moving average feature.

Real-time display of historical displacement. The historical displacement chart will display the historical displacement for at least the last five (5) days. The historical displacement chart must display the N/S historical displacement, the E/W historical displacement, the UP/DOWN historical displacement and the absolute historical displacement. The historical displacement chart shall contain a graphical display of the user definable yellow and red displacement threshold alarms. The historical displacement chart must have a sophisticated user-definable moving average feature.

Real-time display of current and historical displacement rate of change. The displacement rate of change chart must display the N/S rate of change, the E/W rate of change, the UP/DOWN rate-of-change and the absolute rate of change. The rate of change chart shall contain a graphical display of the user definable yellow and red displacement threshold alarms. The historical displacement chart must have a sophisticated user-definable moving average feature.

Numeric summary of deformation for each site. The software must have a numeric summary of the deformation information for each site. This will include the N/S displacement vector, the E/W displacement vector, and the UP/DOWN displacement vector. The numeric screen will include the error estimates for each solution and the current position computation in latitude and longitude format.

5. The real-time monitoring software must allow the user to quickly and easily define alarms based upon certain deformation thresholds. The user will be able to program these thresholds for the following: North and South displacement, East and West displacement, up and down displacement, absolute displacement, North and South rate of change, East and West rate of change, up and down rate of change, and absolute rate of change.

6. The real-time monitoring software must have the capability of automatically sending an email or page to an authorized list of recipients if an alarm threshold has been exceeded. These emails or pages must contain complete information regarding the nature of deformation and must indicate which station experienced the deformation. The real-time monitoring software must also be capable of providing visual and audible alarms for each site being monitored.
7. The real-time monitoring software must have the ability to store its processed data in a variety of file outputs. At a minimum, these files must include an ASCII file with position, time, and error estimates and a diagnostics log file.
8. The real-time monitoring software must have a playback module that can easily play back historical data. This playback module will allow the end-user to specify the start and stop time for the playback session and specify the location of the output files from the processing software. The playback module will automatically find these output files and begin processing for the start and stop times specified. The playback module must generate the same screens as defined above in section 4.
9. The real-time monitoring software must have an optional web page module that allows the end-user to automatically stream information in real-time from the real-time processing software to an intranet or internet web page. This web page module must be seamlessly integrated into the real-time processing software and must support the ability to capture each of the real-time information screens located within the processing software and then automatically update these to a web page.
10. The real-time monitoring software must be capable of simultaneously processing single and dual-frequency GPS sensors.
11. The real-time monitoring software must be capable of simultaneously processing at least fifty (50) GPS sensors.
12. The real-time monitoring software must be capable of running at rates as fast as 20Hz.
13. The real-time monitoring software must have a survey mode that allows the end-user to simultaneously survey in multiple stations prior to the start of a monitoring session.
14. The real-time monitoring software must allow the end-user to process information from the same station in a multitude of processing combinations.
15. The real-time monitoring software must process GPS carrier phase measurements as triple differences and process code measurements as double differences through a Kalman filter approach. RTK double-difference integer-fixing systems will not be considered acceptable alternatives.

CLAUSES INCORPORATED BY REFERENCE

52.212-4	Contract Terms and Conditions--Commercial Items	OCT 2003
252.204-7004 Alt A	Required Central Contractor Registration Alternate A	NOV 2003

CLAUSES INCORPORATED BY FULL TEXT

Successor Contracting Officers (52.201-4001)

The Contracting Officer who signed this contract is the primary Contracting Officer for the contract. Nevertheless, any Contracting Officer assigned to the Seattle District and acting within his/her authority may take formal action on this contract when a contract action needs to be taken and the primary Contracting Officer is unavailable.

52.212-5 CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS--COMMERCIAL ITEMS (JUN 2004)

(a) The Contractor shall comply with the following Federal **Acquisition Regulation** (FAR) clause, which is incorporated in this contract by reference, to implement provisions of law or Executive orders applicable to acquisitions of commercial items: 52.233-3, Protest after Award (AUG 1996) (31 U.S.C. 3553).

(b) The Contractor shall comply with the FAR clauses in this paragraph (b) that the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial items: (Contracting Officer check as appropriate.)

___ (1) 52.203-6, Restrictions on Subcontractor Sales to the Government (JUL 1995), with Alternate I (OCT 1995) (41 U.S.C. 253g and 10 U.S.C. 2402).

___ (2) 52.219-3, Notice of HUBZone Small Business Set-Aside (Jan 1999) (U.S.C. 657a).

___ (3) 52.219-4, Notice of Price Evaluation Preference for HUBZone Small Business Concerns (Jan 1999) (if the offeror elects to waive the preference, it shall so indicate in its offer) (U.S.C. 657a).

___ (4) (i) 52.219-5, Very Small Business Set-Aside (JUNE 2003) (Pub. L. 103-403, section 304, Small Business Reauthorization and Amendments Act of 1994).

___ (ii) Alternate I (MAR 1999) to 52.219-5.

___ (iii) Alternate II to (JUNE 2003) 52.219-5.

___ (5)(i) 52.219-6, Notice of Total Small Business Set-Aside (JUNE 2003) (15 U.S.C. 644).

___ (ii) Alternate I (OCT 1995) of 52.219-6.

___ (iii) Alternate II (MAR 2004) of 52.219-6.

___ (6)(i) 52.219-7, Notice of Partial Small Business Set-Aside (JUNE 2003) (15 U.S.C. 644).

___ (ii) Alternate I (OCT 1995) of 52.219-7.

___ (iii) Alternate II (MAR 2004) of 52.219-7.

___ (7) 52.219-8, Utilization of Small Business Concerns (MAY 2004) (15 U.S.C. 637 (d)(2) and (3)).

___ (8)(i) 52.219-9, Small Business Subcontracting Plan (JAN 2002) (15 U.S.C. 637(d)(4)).

___ (ii) Alternate I (OCT 2001) of 52.219-9

___ (iii) Alternate II (OCT 2001) of 52.219-9.

___ (9) 52.219-14, Limitations on Subcontracting (DEC 1996) (15 U.S.C. 637(a)(14)).

___ (10)(i) 52.219-23, Notice of Price Evaluation Adjustment for Small Disadvantaged Business Concerns (JUNE 2003) (Pub. L. 103-355, section 7102, and 10 U.S.C. 2323) (if the offeror elects to waive the adjustment, it shall so indicate in its offer).

___ (ii) Alternate I (JUNE 2003) of 52.219-23.

___ (11) 52.219-25, Small Disadvantaged Business Participation Program--Disadvantaged Status and Reporting (OCT 1999) (Pub. L. 103-355, section 7102, and 10 U.S.C. 2323).

___ (12) 52.219-26, Small Disadvantaged Business Participation Program--Incentive Subcontracting (OCT 2000) (Pub. L. 103-355, section 7102, and 10 U.S.C. 2323).

___ (13) 52.219-27, Notice of Total Service-Disabled Veteran-Owned Small Business Set-Aside (May 2004).

X (14) 52.222-3, Convict Labor (JUNE 2003) (E.O. 11755).

X (15) 52.222-19, Child Labor--Cooperation with Authorities and Remedies (Jun 2004) (E.O. 13126).

___ (16) 52.222-21, Prohibition of Segregated Facilities (FEB 1999).

X (17) 52.222-26, Equal Opportunity (APR 2002) (E.O. 11246).

X (18) 52.222-35, Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (DEC 2001) (38 U.S.C. 4212).

X (19) 52.222-36, Affirmative Action for Workers with Disabilities (JUN 1998) (29 U.S.C. 793).

___ (20) 52.222-37, Employment Reports on Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (DEC 2001) (38 U.S.C. 4212).

___ (21)(i) 52.223-9, Estimate of Percentage of Recovered Material Content for EPA-Designated Products (AUG 2000) (42 U.S.C. 6962(c)(3)(A)(ii)).

___ (ii) Alternate I (AUG 2000) of 52.223-9 (42 U.S.C. 6962(i)(2)(C)).

___ (22) 52.225-1, Buy American Act--Supplies (JUNE 2003) (41 U.S.C. 10a-10d).

___ (23)(i) 52.225-3, Buy American Act--Free Trade Agreements--Israeli Trade Act (JAN 2004) (41 U.S.C. 10a-10d, 19 U.S.C. 3301 note, 19 U.S.C. 2112 note, Pub. L. 108-77, 108-78).

___ (ii) Alternate I (JAN 2004) of 52.225-3.

___ (iii) Alternate II (JAN 2004) of 52.225-3.

___ (24) 52.225-5, Trade Agreements (Jun 2004) (19 U.S.C. 2501, et seq., 19 U.S.C. 3301 note).

___ (25) 52.225-13, Restrictions on Certain Foreign Purchases (OCT 2003) (E.o.s, proclamations, and statutes administered by the Office of Foreign Assets Control of the Department of Treasury).

___ (26) 52.225-15, Sanctioned European Union Country End Products (FEB 2000) (E.O. 12849).

___ (27) 52.225-16, Sanctioned European Union Country Services (FEB 2000) (E.O. 12849).

___ (28) 52.232-29, Terms for Financing of Purchases of Commercial Items (FEB 2002) (41 U.S.C. 255(f), 10 U.S.C. 2307(f)).

____ (29) 52.232-30, Installment Payments for Commercial Items (OCT 1995) (41 U.S.C. 255(f), 10 U.S.C. 2307(f)).

X (30) 52.232-33, Payment by Electronic Funds Transfer--Central Contractor Registration (OCT 2003) (31 U.S.C. 3332).

____ (31) 52.232-34, Payment by Electronic Funds Transfer--Other than Central Contractor Registration (MAY 1999) (31 U.S.C. 3332).

____ (32) 52.232-36, Payment by Third Party (MAY 1999) (31 U.S.C. 3332).

____ (33) 52.239-1, Privacy or Security Safeguards (AUG 1996) (5 U.S.C. 552a).

____ (34)(i) 52.247-64, Preference for Privately Owned U.S.-Flag Commercial Vessels (APR 2003) (46 U.S.C. Appx 1241 and 10 U.S.C. 2631).

____ (ii) Alternate I (APR 1984) of 52.247-64.

(c) The Contractor shall comply with the FAR clauses in this paragraph (c), applicable to commercial services, that the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial items: [Contracting Officer check as appropriate.]

____ (1) 52.222-41, Service Contract Act of 1965, as Amended (MAY 1989) (41 U.S.C. 351, et seq.).

____ (2) 52.222-42, Statement of Equivalent Rates for Federal Hires (MAY 1989) (29 U.S.C. 206 and 41 U.S.C. 351, et seq.).

____ (3) 52.222-43, Fair Labor Standards Act and Service Contract Act--Price Adjustment (Multiple Year and Option Contracts) (MAY 1989) (29 U.S.C. 206 and 41 U.S.C. 351, et seq.).

____ (4) 52.222-44, Fair Labor Standards Act and Service Contract Act--Price Adjustment (February 2002) (29 U.S.C. 206 and 41 U.S.C. 351, et seq.).

____ (5) 52.222-47, SCA Minimum Wages and Fringe Benefits Applicable to Successor Contract Pursuant to Predecessor Contractor Collective Bargaining Agreements (CBA) (May 1989) (41 U.S.C. 351, et seq.).

(d) Comptroller General Examination of Record. The Contractor shall comply with the provisions of this paragraph (d) if this contract was awarded using other than sealed bid, is in excess of the simplified acquisition threshold, and does not contain the clause at 52.215-2, Audit and Records--Negotiation.

(1) The Comptroller General of the United States, or an authorized representative of the Comptroller General, shall have access to and right to examine any of the Contractor's directly pertinent records involving transactions related to this contract.

(2) The Contractor shall make available at its offices at all reasonable times the records, materials, and other evidence for examination, audit, or reproduction, until 3 years after final payment under this contract or for any shorter period specified in FAR Subpart 4.7, Contractor Records Retention, of the other clauses of this contract. If this contract is completely or partially terminated, the records relating to the work terminated shall be made available for 3 years after any resulting final termination settlement. Records relating to appeals under the disputes clause or to litigation or the settlement of claims arising under or relating to this contract shall be made available until such appeals, litigation, or claims are finally resolved.

(3) As used in this clause, records include books, documents, accounting procedures and practices, and other data, regardless of type and regardless of form. This does not require the Contractor to create or maintain any record that the Contractor does not maintain in the ordinary course of business or pursuant to a provision of law.

(e) (1) Notwithstanding the requirements of the clauses in paragraphs (a), (b), (c), and (d) of this clause, the Contractor is not required to flow down any FAR clause, other than those in paragraphs (i) through (vi) of this paragraph in a subcontract for commercial items. Unless otherwise indicated below, the extent of the flow down shall be as required by the clause--

(i) 52.219-8, Utilization of Small Business Concerns (May 2004) (15 U.S.C. 637(d)(2) and (3)), in all subcontracts that offer further subcontracting opportunities. If the subcontract (except subcontracts to small business concerns) exceeds \$500,000 (\$1,000,000 for construction of any public facility), the subcontractor must include 52.219-8 in lower tier subcontracts that offer subcontracting opportunities.

(ii) 52.222-26, Equal Opportunity (April 2002) (E.O. 11246).

(iii) 52.222-35, Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (December 2001) (38 U.S.C. 4212).

(iv) 52.222-36, Affirmative Action for Workers with Disabilities (June 1998) (29 U.S.C. 793).

(v) 52.222-41, Service Contract Act of 1965, as Amended (May 1989), flow down required for all subcontracts subject to the Service Contract Act of 1965 (41 U.S.C. 351, et seq.).

(vi) 52.247-64, Preference for Privately Owned U.S.-Flag Commercial Vessels (April 2003) (46 U.S.C. Appx 1241 and 10 U.S.C. 2631). Flow down required in accordance with paragraph (d) of FAR clause 52.247-64.

(2) While not required, the contractor May include in its subcontracts for commercial items a minimal number of additional clauses necessary to satisfy its contractual obligations.

(End of clause)

52.252-2 CLAUSES INCORPORATED BY REFERENCE (FEB 1998)

This contract incorporates one or more clauses by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. Also, the full text of a clause may be accessed electronically at this/these address(es):

<http://www.arnet.gov/far>
<http://www.farsite.hill.af.mil>
<http://www.dtic.mil/dfars>

(End of clause)

252.212-7001 CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS APPLICABLE TO DEFENSE ACQUISITIONS OF COMMERCIAL ITEMS (JUN 2004)

(a) The Contractor agrees to comply with the following Federal Acquisition Regulation (FAR) clause which, if checked, is included in this contract by reference to implement a provision of law applicable to acquisitions of commercial items or components.

____ 52.203-3 Gratuities (APR 1984) (10 U.S.C. 2207).

(b) The Contractor agrees to comply with any clause that is checked on the following list of Defense FAR Supplement clauses which, if checked, is included in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial items or components.

____ 252.205-7000 Provision of Information to Cooperative Agreement Holders (DEC 1991) (10 U.S.C. 2416).

____ 252.219-7003 Small, Small Disadvantaged and Women-Owned Small Business Subcontracting Plan (DoD Contracts) (APR 1996) (15 U.S.C. 637).

____ 252.219-7004 Small, Small Disadvantaged and Women-Owned Small Business Subcontracting Plan (Test Program) (JUN 1997) (15 U.S.C. 637 note).

X 252.225-7001 Buy American Act and Balance of Payment Program (APR 2003) (41 U.S.C. 10a-10d, E.O. 10582).

____ 252.225-7012 Preference for Certain Domestic Commodities (JUN 2004) (10 U.S.C. 2533a).

____ 252.225-7014 Preference for Domestic Specialty Metals (APR 2003) (10 U.S.C. 2533a).

____ 252.225-7015 Preference for Domestic Hand or Measuring Tools (APR 2003) (10 U.S.C. 2533a).

____ 252.225-7016 Restriction on Acquisition of Ball and Roller Bearings (MAY 2004) (____Alternate I) (APR 2003) (10 U.S.C. 2534 and Section 8099 of Public Law 104-61 and similar sections in subsequent DoD appropriations acts).

____ 252.225-7021 Trade Agreements (JUN 2004) (19 U.S.C. 2501-2518 and 19 U.S.C. 3301 note).

____ 252.225-7027 Restriction on Contingent Fees for Foreign Military Sales (APR 2003) (22 U.S.C. 2779).

____ 252.225-7028 Exclusionary Policies and Practices of Foreign Governments (APR 2003) (22 U.S.C. 2755).

____ 252.225-7036 Buy American Act--North American Free Trade Agreement Implementation Act--Balance of Payment Program (JAN 2004) (____Alternate I) (JAN 2004) (41 U.S.C. 10a-10d and 19 U.S.C. 3301 note).

____ 252.225-7038 Restriction on Acquisition of Air Circuit Breakers (APR 2003) (10 U.S.C. 2534(a)(3)).

____ 252.226-7001 Utilization of Indian Organizations, Indian-Owned Economic Enterprises, and Native Hawaiian Small Business Concerns (Oct 2003) (Section 8021 of Pub. L. 107-248).

____ 252.227-7015 Technical Data--Commercial Items (NOV 1995) (10 U.S.C. 2320).

____ 252.227-7037 Validation of Restrictive Markings on Technical Data (SEP 1999) (10 U.S.C. 2321).

____ 252.232-7003 Electronic Submission of Payment Requests (JAN 2004) (10 U.S.C. 2227).

____ 252.243-7002 Certification of Requests for Equitable Adjustment (MAR 1998) (10 U.S.C. 2410).

____ 252.247-7023 Transportation of Supplies by Sea (MAY 2002) (____Alternate I) (MAR 2000) (____Alternate II) (MAR 2000).

____ 252.247-7024 Notification of Transportation of Supplies by Sea (MAR 2000) (10 U.S.C. 2631).

(c) In addition to the clauses listed in paragraph (e) of the Contract Terms and Conditions Required to Implement Statutes or Executive Orders--Commercial Items clause of this contract (Federal Acquisition Regulation 52.212-5), the Contractor shall include the terms of the following clauses, if applicable, in subcontracts for commercial items or commercial components, awarded at any tier under this contract:

252.225-7014 Preference for Domestic Specialty Metals, Alternate I (MAR 1998) (10 U.S.C. 2533a).

252.247-7023 Transportation of Supplies by Sea (MAY 2002) (10 U.S.C. 2631).

252.247-7024 Notification of Transportation of Supplies by Sea (MAR 2000) (10 U.S.C. 2631)

(End of clause)

252.225-7001 BUY AMERICAN ACT AND BALANCE OF PAYMENTS PROGRAM (APR 2003)

(a) Definitions. As used in this clause--

(1) Component means an article, material, or supply incorporated directly into an end product.

(2) Domestic end product means--

(i) An unmanufactured end product that has been mined or produced in the United States; or

(ii) An end product manufactured in the United States if the cost of its qualifying country components and its components that are mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. The cost of components includes transportation costs to the place of incorporation into the end product and U.S. duty (whether or not a duty-free entry certificate is issued). Scrap generated, collected, and prepared for processing in the United States is considered domestic. A component is considered to have been mined, produced, or manufactured in the United States (regardless of its source in fact) if the end product in which it is incorporated is manufactured in the United States and the component is of a class or kind for which the Government has determined that--

(A) Sufficient and reasonably available commercial quantities of a satisfactory quality are not mined, produced, or manufactured in the United States; or

(B) It is inconsistent with the public interest to apply the restrictions of the Buy American Act.

(3) End product means those articles, materials, and supplies to be acquired under this contract for public use.

(4) Foreign end product means an end product other than a domestic end product.

(5) Qualifying country means any country set forth in subsection 225.872-1 of the Defense Federal Acquisition Regulation Supplement.

(6) Qualifying country component means a component mined, produced, or manufactured in a qualifying country.

(7) Qualifying country end product means--

(i) An unmanufactured end product mined or produced in a qualifying country; or

(ii) An end product manufactured in a qualifying country if the cost of the following types of components exceeds 50 percent of the cost of all its components:

(A) Components mined, produced, or manufactured in a qualifying country.

(B) Components mined, produced, or manufactured in the United States.

(C) Components of foreign origin of a class or kind for which the Government has determined that sufficient and reasonably available commercial quantities of a satisfactory quality are not mined, produced, or manufactured in the United States.

(b) This clause implements the Buy American Act (41 U.S.C. Section 10a-d). Unless otherwise specified, this clause applies to all line items in the contract.

(c) The Contractor shall deliver only domestic end products unless, in its offer, it specified delivery of other end products in the Buy American Act--Balance of Payments Program Certificate provision of the solicitation. If the Contractor certified in its offer that it will deliver a qualifying country end product, the Contractor shall deliver a qualifying country end product or, at the Contractor's option, a domestic end product.

(d) The contract price does not include duty for end products or components for which the Contractor will claim duty-free entry.

(End of clause)